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FILED **FILED**
DISTRICT COURT OF GUAM
APR 11 2006
APR 18 2006
MARY L.M. MORAN
CLERK OF COURT
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CLERK OF COURT
(10)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,

vs.

XUN BING MEI,
aka XUE BING MEI,
aka CHIU PUNG HO,

Defendant.

CRIMINAL CASE NO. 06-00012

AMENDED
PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, XUN BING MEI aka XUE BING MEI aka CHIU PUNG HO, enter into the following plea agreement:

1. The defendant agrees to enter a guilty plea to an Indictment charging her with False Use of a Passport in violation of Title 18, United States Code, Section 1543.

2(a) The defendant, XUN BING MEI aka XUE BING MEI aka CHIU PUNG HO, understands that the maximum sentence for False Use of a Passport is a term of ten (10) years imprisonment, a \$250,000 fine, and a \$100 special assessment fee, which must be paid at the time of sentencing. Any sentence imposed may include a term of supervised release of not more than three (3) years in addition to such terms of imprisonment. Defendant understands that if she

1 violates a condition of supervised release at any time prior to the expiration of such term, the
2 court may revoke the term of supervised release and sentence her up to an additional two (2)
3 years of incarceration pursuant to 18 U.S.C. § 3583(e)(3).

4 2(b) If defendant pleads guilty to this charge, the government will recommend that
5 defendant receive the minimum term of incarceration recommended by the Sentencing
6 Guidelines. **Count II of the indictment will be dismissed at the time of sentencing.** *ms*

7 2(c) The government will recommend a fine within the Sentencing Guidelines range. If
8 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a
9 full disclosure of his financial status to the United States Attorney's Office by completing a
10 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.
11 Defendant understands that, by law, interest accrues on any remaining balance of the debt.

12 3. The defendant understands that to establish a violation of False Use of a Passport as
13 charged pursuant to 18 U.S.C. § ¹⁵⁴³~~1546~~, the government must prove each of the following
14 elements beyond a reasonable doubt:

15 First: the defendant knowingly used or attempted to use a false passport in
16 an attempt to enter the United States;

17 Second: the defendant knew that the passport was false, altered, and
18 did not belong to her.

19 4. The defendant agrees that the Sentencing Guidelines apply to this offense. The
20 defendant also understands that the facts she stipulates to herein will be used, pursuant to 1B1.2,
21 in calculating the applicable guidelines level. The Government and the defendant stipulate to the
22 following facts for purposes of the Sentencing Guidelines:

23 (a) The defendant was born in 1973, and is a citizen of the People's Republic of China.

24 (b) If the defendant cooperates with the United States by providing information
25 concerning the unlawful activities of others, the government agrees that any self-incriminating
26 information so provided will not be used against defendant in assessing her punishment, and
27 therefore, pursuant to § 1B1.3 of the Sentencing Guidelines, this information should not be used
28 in determining the applicable guidelines range.

1 (c) Defendant is a citizen of the People's Republic of China. She purchased a Portuguese
2 passport belonging to Chiu Pung Ho. The passport had been altered in that defendant's
3 photograph had been substituted for that of the true owner. Defendant presented the passport at
4 the Guam International Airport in an attempt to enter the United States. At the time she
5 presented the passport, she knew she had no right to use it.

6 (d) The defendant understands that notwithstanding any agreement of the parties, the
7 United States Probation Office will make an independent application of the Sentencing
8 Guidelines. The defendant acknowledges that should there be discrepancies in the final
9 sentencing guidelines range projected by her counsel or any other person, such discrepancies are
10 not a basis to withdraw her guilty plea.

11 5. The defendant acknowledges that she has been advised of her rights as set forth below
12 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
13 had sufficient opportunity to reflect upon, and understands the following:

14 (a) The nature and elements of the charge and the mandatory minimum penalty provided
15 by law, if any, and the maximum possible penalty provided by law;

16 (b) Her right to be represented by an attorney;

17 (c) Her right to plead not guilty and the right to be tried by a jury and at that trial, the
18 right to be represented by counsel, the right to confront and cross-examine witnesses against her,
19 and the right not to be compelled to incriminate herself, that is, the right not to testify;

20 (d) That if she pleads guilty, there will not be a further trial of any kind on the charges to
21 which such plea is entered so that by entering into this plea agreement, she waives, that is, gives
22 up, the right to a trial;

23 (e) Because this plea is entered pursuant to Federal Rule of Criminal Procedure
24 11(c)(1)(B), the defendant understands that she may not withdraw her guilty plea even if the
25 court does not accept the sentencing recommendations of the government or her counsel;

26 (f) That, upon entry of a plea of guilty, or thereafter, the Court may ask her questions
27 about the offenses to which she has pled, under oath, and that if she answers these questions
28

1 under oath, on the record, her answers may later be used against her in prosecution for perjury or
2 false statement if an answer is untrue;

3 (g) That she agrees that the plea agreement is voluntary and not a result of any force,
4 threats or promises apart from this plea agreement;

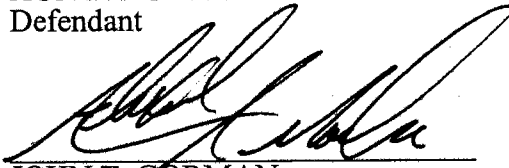
5 (h) The defendant is satisfied with the representation of her lawyer and feels that her
6 lawyer has done everything possible for her defense;

7 (i) That this plea agreement has been translated into her native language and she fully
8 understands it.

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10 DATED: 3/30/06

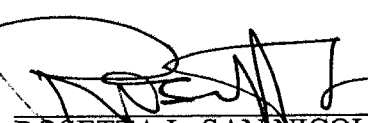
XUN BING MEI
XUN BING MEI
Defendant

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13 DATED: 3/31/06

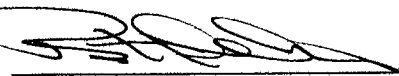

JOHN T. GORMAN
Attorney for Defendant

14
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18 DATED: 4/10/06

By:

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21 DATED: 4-11-06


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